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Teleconference Facilities

June 21, 2007

*The procedure suggested in the order is approved. 6-25-07*  
*Alvin K. Hellerstein*

**VIA FEDERAL EXPRESS**

The Honorable Alvin K. Hellerstein  
United States Courthouse  
500 Pearl St., Room 1050  
New York, NY 10007

Re: **Abondolo v. Siegmund Strauss, Inc.**  
**07 CV 4850 (AKH) (DFE)**

Your Honor:

The above captioned action (commenced with an Order to Show Cause, currently returnable July 3, 2007 at 11:00) seeks an audit of the Defendant's books and records on behalf of employee benefit funds affiliated with Local 342 UFCW ("Local 342"). Said funds have also demanded arbitration against the Defendant. I spoke with Plaintiffs' counsel and we have agreed that rather than my commencing a separate petition to stay said arbitration, which Petition would be based upon the same legal and factual arguments made in the Defendant's previously submitted opposition to the Subject Order to Show Cause, the parties would await your Honor's determination of the Subject Order to Show Cause. No waiver of the Defendant's right to contest or seek to stay the audit will have occurred; rather said stay application shall be deemed part of the Defendant's opposition to the Order to Show Cause.

Inasmuch as the Defendant's opposition to the Subject Order to Show Cause asserts that the requested audit relief should be denied because the instant action should be stayed pending the determination of the National Labor Relations Board (as to whether a valid enforceable collective bargaining agreement exists upon which the Plaintiffs may premise their third party beneficiary claims), it would appear a waste of paper and remarkably redundant exercise to require a separate petition to stay the arbitration.



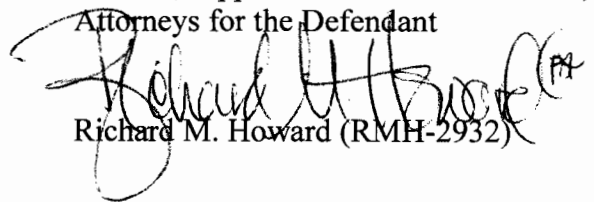
Long Island's Business Law Firm <sup>SM</sup>

MELTZER, LIPPE, GOLDSTEIN & BREITSTONE, LLP

Should your Honor think otherwise, we will of course comply with the Court's direction.  
Your consideration of the above is appreciated.

Respectfully submitted,

Meltzer, Lippe, Goldstein & Breitstone, LLP  
Attorneys for the Defendant

A handwritten signature in black ink, appearing to read "Richard M. Howard", with a stylized flourish at the end.

Richard M. Howard (RMH-2932)

cc: Andrew Calcagno, Esq.  
Jonathon Farrell, Esq.  
Stanley Mayer

Rich/Siegmund/ltr Ct.404336